

Remarks

Examiner has briefly commented on Applicants' response to first Action but, respectfully, has continued to overlook certain features recited in the claims which are neither described, nor hinted at, in *Fette*. Applicants continue to consider that the claims as presently on file clearly distinguish over *Fette* and traverse the rejections without the need for any amendment.

Claim 1 recites, *inter alia*, "each base station defining a plurality of beams which each have an amount of resources for supporting communication links". If a direct communication link cannot be supported between a new terminal and a base station using a first beam then a multi-hop path is set up, which includes a communication link between a base station and a relaying equipment using the resources of a second beam of a base station. In this way, if a heavily loaded first beam of a base station is unable to support communication with the new terminal the resources of a second beam of a base station are used. This allows communication to take place with a new terminal, even if the beam which would normally serve that location is fully-loaded. For the avoidance of doubt, it is noted that the "first beam" and "second beam" recited in claim 1 are different beams each defined by a base station, the beams each having an amount of resources.

Claim Rejections – 35 USC § 102

In the latest Action Examiner continues to reject claims 1-3, 6, 10-12, 15-25, 27, 31-33 and 36-40 under 35 U.S.C. §102(b) as being anticipated by *Fette et al.* (US 5,612,948).

Respectfully, from the comments made in Examiner's "Response to Arguments" Examiner appears to be confusing the "second beam" recited in claim 1 with the beam that is used to relay data between a repeating node 16' and a subscriber node 16 in *Fette*. This is incorrect. The "first beam" and "second beam" of claim 1 are

different beams defined by a base station (see for example beams 60, 63 defined by base station BS in Figure 5 of the present invention.) *Fette* fails to teach, or hint at, the use of the resources of first and second beams defined by a base station in the manner of the present invention.

In *Fette*, a base node transmits a signal (see Fig.4) divided into frames. Data slots 48 within each frame are allocated to provide links to subscriber nodes 16. As described at col.5 lines 1-13, indirect communication with a subscriber node (i.e. communication via a repeating subscriber node 16') requires more slots of a frame compared to direct communication with a subscriber node since some slots are required for communication between the base node and a repeating subscriber node and further slots are needed for repeating the communication between the repeating subscriber node and subscriber node. This passage of *Fette* clearly shows that the same resources (time slots 48) of the same beam defined by the base node are used irrespective of whether a base node communicates directly or indirectly with a subscriber node.

Figure 8 *Fette* shows a method which is performed by each subscriber node. A link with the base node is set up directly (step 98, output 'Y') or indirectly via a repeater node (step 102, output 'Y'). There is no suggestion whatsoever in *Fette* that the direct link set up at step 98 and the indirect link set up at step 102 would use the resources of different beams from the base node. Rather, *Fette* teaches that the same beam would either serve the subscriber node 16 directly using a number of time slots, e.g. two, in a frame or would serve the subscriber node 16 indirectly using double the number of time slots in a frame. In the case of indirect communication, the base node 12 communicates with the repeating subscriber node 16' using two slots and then the repeating subscriber node 16' repeats the communication to the subscriber node 16 using another two slots that have been allocated within the frame. The same beam defined by the base node is used, regardless of whether direct or indirect communication occurs.

Dependent Claims 20, 21, 22, 23, 39 and 40 are considered allowable at least because they are dependent on claim 1.

Rejected Claims 2, 3, 6, 10-12, 15-19, 24, 25, 27, 31-33 and 36-38 are considered allowable at least by virtue of being dependent on an allowable base claim.

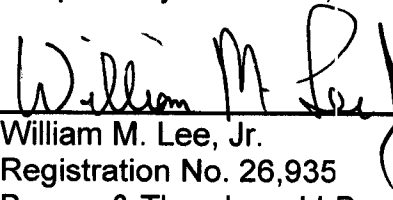
Claim Rejections – 35 USC § 103

Examiner rejects claims 4, 5, 7-9, 13, 14, 26, 28-30, 34, 35 under 35 U.S.C. §103(a) as being unpatentable in view of a combination of *Fette* and one or more other references. The rejections of these claims are rendered moot in view of the arguments presented above in support of the base claims on which these claims depend. Applicants make no admissions in respect of the Examiner's rejections or arguments raised in this section of the Action.

For the foregoing reasons, Applicants respectfully submit that the claims pending in this application are in condition for allowance. Early issuance of a Notice of Allowance is solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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